



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION
BY COMMITTEE ON COUNCIL

00-R-1211

A RESOLUTION CORRECTING A
RESOLUTION 00-R-1060, ADOPTED BY CITY
COUNCIL ON JULY 17, 2000, SO AS TO
CORRECT A TYPOGRAPHICAL ERROR; AND
FOR OTHER PURPOSES.

WHEREAS, the City Council adopted a Resolution 00-R-1060 on July 17, 2000, and it was approved per Section 2-403 of the Charter on July 26, 2000; and

WHEREAS, said Resolution authorized the City Attorney to settle the case of *John P. Nesbitt, Jr. and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia*, USDC Civil Action File No. 1:96-CV-1038-CAM, for the sum of \$35,000.00; and

WHEREAS, said resolution has a typographical error in the second section; and

WHEREAS, conclusion of the above-referenced civil action requires correction of that error; and

WHEREAS, this correction does not increase the City's expenditure in the settlement of this case.

The City Council of the City of Atlanta, Georgia hereby resolves that the Second Resolved clause in 00-R-1060 be deleted in its entirety and that the following language be inserted in lieu thereof:

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$35,000 to John P. Nesbitt, Jr., Andrew Joseph Martin, and their attorney in this case, Thomas E. Maddox, Jr., from Fund Account Center No. 1A101-529017-T31001.

Be it further resolved by the City Council of the City of Atlanta, Georgia that all other provisions of Resolution 00-R-1060 remain in full force and effect.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

AUG 07, 2000

AUG 16, 2000



**A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE #**

00- *R* -1060

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF JOHN P. NESBITT, JR. and ANDREW JOSEPH MARTIN V. J.G. WINGO, B.S. DAWKINS, BEVERLY HARVARD AND THE CITY OF ATLANTA, PENDING IN THE U.S.D.C., CIVIL ACTION FILE NO. 1:96-CV-1038-CAM, FOR \$35,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, John P. Nesbitt, Jr., and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1:96-CV-1038-CAM, arises from arrests effected on May 15, 1994 at the Midtown Music Festival; and

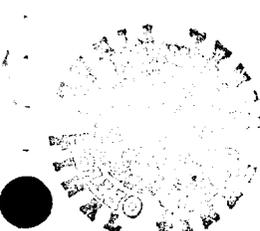
WHEREAS, the Plaintiffs allege that their constitutional rights were violated during the course of said arrests; and

WHEREAS, the Plaintiffs and their counsel have agreed to accept \$35,000 in settlement of all claims against the City of Atlanta, its officers and employees;

WHEREAS, the City Attorney has done an extensive review of the facts and law and has determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$35,000 to settle all claims,

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:



SECTION 1. The City Attorney is hereby authorized to settle the case of John P. Nesbitt, Jr. and Andrew Joseph Martin v. Officer Wingo, Officer Dawkins, Chief Harvard and the City of Atlanta, Georgia, for the sum of Thirty Five Thousand Dollars (\$35,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$35,000 to John P. Nesbitt, Jr., Andrew Joseph Martin, and their attorney, Jeffrey J. Dean, in this case, from Account No. 1A101-529017-T31001.

00-1211

(Do Not Write Above This Line)

A RESOLUTION
BY COMMITTEE ON COUNCIL

A RESOLUTION CORRECTING A RESOLUTION
00-Q-1060, ADOPTED BY CITY COUNCIL ON
JULY 17, 2000, SO AS TO CORRECT A
TYPOGRAPHICAL ERROR; AND FOR OTHER
PURPOSES.

**ADOPTED BY
AUG 0 7 2000
COUNCIL**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

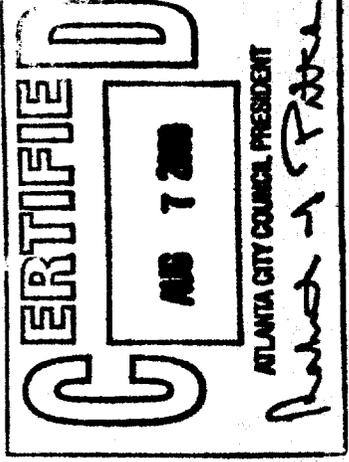
First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee COC	Date 8/7/00	Chair Aubrey Johnson
Action: <input checked="" type="radio"/> Fav, Adv, Hold (see rev. side) Other:		
Members Bill [Signature] [Signature] [Signature] [Signature] [Signature]		
Refer To		

Committee	Date	Chair
Action: Fav, Adv, Hold (see rev. side) Other:		
Members		
Refer To		

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED


CERTIFIED
 AUG 0 7 2000

 MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
 AUG 16 2000
 WITHOUT SIGNATURE
 BY OPERATION OF LAW